REMARKS

Claims 1-21 have been canceled. Claims 22 and 23 have been added and are currently pending. Support for these claims can be found in the claims as originally filed and throughout the specification. Thus, it is believed that no new matter has been added.

The specification has been amended to set forth the continuity data previously submitted in the Application Data Sheet with the exception that the continuity data has been updated to reflect that Application No. 09/758,652 filed January 11, 2001 has now matured into U.S. Patent No. 6,703,544.

It is clear from the continuity data that the instant application is a divisional application of Application No. 09/758,652 filed January 11, 2001 has now matured into U.S. Patent No. 6,703,544. Thus, it appears that the rejection of claims 20 and 21 under the judicially created doctrine of double patenting over claims 14-19 of U.S. Patent No. 6,703,544 is rendered moot in view of the above clarification.

Claims 20 and 21 were rejected under 35 U.S.C.112, first paragraph, as failing to comply with the written description requirement.

Attention is kindly invited to page 4 of the instant specification at lines 28-35, where it is stated that

> The instant invention provides a method for reducing the quantity glycinin or β-conglycinin (11S or 7S globulins, respectively) seed storage proteins in soybeans. In one embodiment, cosuppression technology was used to suppress the expression of genes encoding the 7S-globulin class of seed protein genes. Genes encoding either two (α and α') or all three subclasses (α, α' and β) of 7S globulins were suppressed by expression of the gene encoding a single subclass (α) of β-conglycinin, resulting in soybean lines with altered seed storage profiles. In another embodiment, a method for suppressing two completely different genes, only one of which is a seed protein gene, is presented, allowing for multiple changes in seed composition. Surprisingly, expression of a chimeric gene comprising the promoter region of a soybean seed storage protein operably linked to the coding region of a soybean gene whose expression alters the fatty acid profile of transgenic soybean seeds resulted in simultaneous alteration of two distinct phenotypic traits: seed storage protein profile and seed oil profile.

Furthermore, Example 2 of the instant application describes the simultaneous suppression of a seed storage protein and a delta-12 desaturase gene using a

construct containing a soybean microsomal delta-12 desaturase under control of the soybean β-conglycinin promoter region. Transgenic seeds derived from these construct had an increased total oleic acid level and the expression of the α and α' subunits of β-conglycinin were suppressed when compared to control soybean lines.

Similarly, a suppression construct comprising fragments of sequences encoding various classes of glycinin subunits is described in Example 4.

It is respectfully submitted in view of the foregoing that the claims recite subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, were in possession of the claimed invention.

However, in order to facilitate prosecution, the claims have been amended to more clearly clearly point out and claim the subject matter which Applicants regard as the invention.

Withdrawal of this ground of rejection is respectfully requested in view of the foregoing discussion.

Claims 20 and 21 were rejected under 35 U.S.C.112, first paragraph, on the ground that the specification is not enabling "for any transgenic soybean having a quantity of one or more members of a class of soybean seed storage subunits reduced, and the oleic acid relative to other fatty acids increased in the seeds when compared to a non-transformed soybean plant."

It is believed that above discussion is equally apposite with respect to this ground of rejection.

Claims 20-21 were rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Hinchee (U.S. Patent 5,416,011).

Hinchee concerns a method for soybean transformation and regeneration. It does not teach or suggest a transgenic soybean plant transformed with a chimeric gene wherein expression of this chimeric gene results in alteration of the fatty acid profile and the seed storage protein profile.

Accordingly, Hinchee does not anticipate nor obviate the claimed invention for all of the reasons discussed above.

Withdrawal of these grounds of rejection of the claims is respectfully requested.

It is respectfully submitted that the claims are now in form for allowance which allowance is respectfully requested.

A Petition for a one (1) month extension of time accompanies this response.

Please charge any fees or credit any overpayment of fees which are required in connection with the filing of this Response After Final to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

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